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Sharon Schacher, Finance Director
Larry M. Weil, Planning Director
Wanda J. Wilcox, City Assessor
Dorinda Anderson, Business Development Director
Jim Brownlee, CPA, City Administrator

West Fargo Planning and Zoning Commission
April 9, 2007 at 7:00 P.M.
West Fargo City Hall

Members Present: Frank Lenzmeier
Jason Gustofson
Wayne Nelson
Ross Holzmer
Kim Keller
Terry Potter
Harriet Smedshammer

Others Present: Larry Weil, Steven Zimmer, Lisa Sankey, Brock Storrusten, Dana Pulfrey, Doug Fliss, Steve Iverson, Jim Morken, Joe Larson

The meeting was called to order by Chair Lenzmeier.

Commissioner Smedshammer made a motion to approve the March 12, 2007 minutes as printed & mailed. Commissioner Nelson seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A07-10 Conditional Use Permit for expansion of mini-storage at 364 East Main Avenue (Lot 3, Block 2 of Main Avenue First Addition), City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The property, which is on the north side of East Main Avenue and east of 3rd Street East, is zoned Heavy Commercial/Light Industrial and was developed years ago with several mini-storage buildings. The applicant submitted revised site plans showing the property as it is currently developed and the proposed location of the storage building. Storage is the emphasized use of the property. The applicant proposes to add a 30' x 30' (900 ft²) addition on the north side of the northwest building. This would add 5 units to the building. Three of the storage units would be accessed from the north and one each from the east and west. There are six existing mini-storage buildings on the property.

The area is predominantly built up with a mix of commercial and industrial uses along the north side of Main Avenue. Single family dwellings are located further to the north and west on the north side of Pinewood Boulevard. Generally, the City has encouraged more retail, shop and service uses along the Main Avenue frontage. Storage facilities are encouraged to be located farther away from the street frontage.

With regards to the criteria for granting a conditional use, nothing has changed since the previous conditional use permit was approved and all is in order. Notices were sent out to property owners within 350' of the property, as well as to the City Departments for review. Some concern was raised with the lack of space for snow storage.

Staff recommends approval with the following condition:

1. It is understood that snow is hauled from the site, as the site has no storage area.

There were no comments from the public. The hearing was closed.

Chair Lenzmeier asked if the snow storage removal was criteria for the existing facility. Steven indicated that the addition will decrease area available for snow storage. Applicant Doug Fliss stated that they don't store snow in that location currently, but

along the east side of the lot. They've been fortunate there hasn't been much snow in recent years. Commissioner Keller wondered about wording of the condition, that the snow will be hauled off. Mr. Fliss stated that they understand if there is a lot of snow they'll have to haul it away.

Commissioner Gustofson made a motion for approval subject to the condition that snow be removed from the site if necessary. Commissioner Smedhammer seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A07-11 Planned Unit Development (PUD) Amendment for detached garage/storage building on Lots 1 & 2, Block 1 of Meadow Ridge 15th Addition, City of West Fargo, North Dakota.

Steven reviewed the following information from the staff report:

The properties were approved as a Planned Unit Development (PUD) in April 2005 for a group home and credit services office. Minor PUD modifications were approved in July and August 2005 for setback changes and switching the uses of each building. The applicant is requesting an amendment to the PUD to allow a change in the development allowing a detached garage/storage building for the group home facility and office.

In 1995, the property was replatted and rezoned from Light Commercial to Planned Unit Development to allow for construction of three four-unit condominium structures. One condominium building was constructed; however, the remaining two lots were never developed and the property went back to the County for back taxes several years later. In 2005, a PUD amendment provided for an office and group home use. The property owner operates the Perry Center and Family Life Credit Services. The applicant proposes to construct a 1,000 ft², 4-stall detached garage with a concrete slab on the south side. The concrete slab must be set back a minimum of 3' from the property line, or may be set back 1' if the applicant either constructs a fence on the property line or gets written permission from the adjacent property owner(s). The site plan shows that there may be a storm sewer easement in the area the applicant is proposing to build the garage. There is not any city services located in that area, but if the easement does exist the applicant must apply to vacate the easement.

The building may not be constructed until the applicant either proves the easement does not currently exist or has been granted permission to vacate the easement by the city. We have not received building elevation plans that show design and materials.

Property Owners within 150' were notified about the request. City Departments were also notified, and the Engineering Department indicated that considerations need to be given to drainage on the south side of the proposed structure, as well as addressing the storm sewer easement if necessary.

Staff recommends approval with the following conditions:

1. Applicant provides information on existence of easement in the area the building is proposed, and if needed, take the necessary steps to vacate that portion of the easement.
2. Consideration is given to drainage along the south side of the proposed garages.
3. Applicant provides building elevation plans showing design and materials.

Dana Pulfrey, 2360 7th Avenue East #1, stated that he lives in a condo to the south. When this was reviewed originally, he brought in photos. He had a few problems during construction with equipment being stored on the property and is concerned this will cause problems with access and suggested placing it toward the north. During construction he had to call the police because contractors tore up his property with equipment and there are still ruts there. He's also concerned with drainage.

Jim Morken, Homeland Developers, stated he will see if an easement was filed. The storm sewer doesn't go to the southwest. He stated that the parking slab was previously approved. They filled in the area to the east that was low. He wasn't sure about the rut issue.

Joe Larson stated that his father Darold owns condo #4 at 2360 7th Avenue East and is also on the board for Help and Caring Ministries (the applicant). He indicated his parents do not oppose the request.

Mr. Pulfrey stated that they've had the parking slab since construction and it's very seldom used. They haven't shown a need

for parking. Mr. Larson stated that it will be used for lawn care and snow removal equipment; they also may need to use it for storage of maternity clothes for the Perry Center.

Commissioner Nelson asked what they need to do to research the drainage easement issue. Larry stated that the property owner is responsible. It's not recorded on the plat. Mr. Morken stated that he'll have to get a title opinion.

Chair Lenzmeier asked if the problems that occurred during construction have been resolved. Mr. Pulfrey stated no, there are still ruts next to the driveway. Mr. Larson stated that he wasn't aware of the issue. Mr. Morken stated that they'd be happy to take a look at it and address this issue.

Mr. Pulfrey stated that he still felt the area was going to get very cluttered and it should be placed to the north. Steven stated that 45th Street Corridor and the pipeline limit development to the north.

There were no other comments from the public. The hearing was closed.

Commissioner Gustofson made a motion for approval subject to the conditions listed in the staff report. Commissioner Potter seconded the motion. No opposition. Motion carried.

Chair Lenzmeier opened public hearing A07-12 Eagle Run Plaza 1st Addition, Replat & Rezoning from C: Light Commercial to PUD: Planned Unit Development for Lot 1, Block 2 of Eagle Run 8th Addition, City of West Fargo, North Dakota.

Larry reviewed the following information from the staff report:

The property, which is west of Sheyenne Street (Cass County Highway #17) and south of 32nd Avenue West, was platted and zoned for retail commercial lease space in October of 2002. Building permits were issued in 2005 and 2006 for several retail establishments within a strip mall setting. In 2005, the applicant submitted an application to replat the property; however, did not complete the process as several issues needed to be addressed including lot configuration, lot size, signage and access for the development. The proposed use is consistent with City Plans and Ordinances.

The City's Land Use Plan shows the property designated for Retail Commercial. The Preliminary Plat shows 14 lots including 3 lots which are defined for access and traffic circulation purposes. Four lots are already developed and are under lease.

Access connections to Sheyenne Street and 32nd Avenue West were approved by the City Commission in September 2006 following a traffic impact analysis study for the development. The approval was subject to signing a road access agreement and easement which still needs to be received. Currently the right-of-way on 32nd Avenue West is only 60' on the south side of the street which is inadequate given the anticipated traffic for the street. The right-of-way should be increased to 75' which was required on the north side of 32nd Avenue West with the Eagle Run 12th Addition subdivision.

The applicant submitted a concept site plan showing the proposed access locations into the development, internal access drive, and existing and anticipated building sites. The applicant has also submitted a plan showing the lots which have already been developed. The purpose of the Planned Unit Development is to provide continuity as one multi-site development with off-premise signage serving the development. The major elements of the PUD include the principal access drive which provides access to all the lots and good traffic circulation scheme; permitted uses according to the Light Commercial District; signage plan; and perimeter landscaping plan. PUD amendments would only be required if the development and traffic circulation schemes change. Changes to signage and landscaping elements would be handled through minor PUD modifications. The developer intends to follow the Corridor Overlay District standards for yard requirements, open space landscaping, building construction, curbs, refuse collection areas and outdoor storage areas, parking areas, and fencing. The 10 percent landscape area requirement would pertain to the development as a whole rather than on a lot by lot basis. Development would be monitored administratively to ensure conformance to the Corridor Overlay District standards and detailed site and building plans would be submitted for each project.

The major access drives which access Sheyenne Street and 32nd Avenue West as well as the principal access drive which extends through the development should all be curbed and signed for "no Parking" to provide for good traffic circulation patterns.

Notices were sent City departments and Post Office. The Post Office indicated the subdivision is designated for cluster box delivery with the equipment and installation being the responsibility of the developer. The Police Department indicated that the development roadway be defined with curb and gutter. The Engineering Department also had comments regarding easements which need to be modified and included on the Final Plat.

Staff recommends approval with the following conditions:

1. Concept Development Plan is approved for the retail center with the understanding that Detailed Development Plans relating to the traffic circulation, signage and perimeter landscaping are submitted for consideration. All the access drives are to be curbed.
2. Right-of-way for 32nd Avenue West is increased from 60 to 75'.
3. Attorney Title Opinion is received.
4. Drainage and utility plan is received and approved by the City Engineer.
5. A certificate is received showing taxes are current.
6. A road access agreement and easement is received for the major access locations on Sheyenne Street and 32nd Avenue West.
7. Necessary easements are placed on the Final Plat.
8. An outline is received for the anticipated schedule and sequence of development and improvements.
9. A subdivision (PUD) agreement is received.

Applicant Steven Iverson stated that they'll install curb and gutter as the area develops. Until they know access/driveway needs for the individual lots, they don't want to install them. He asked about the right-of-way. Larry stated that after this area was platted, it was determined that additional right-of-way was needed. Eagle Run 12th to the north dedicated 75', so the requirement for this plat is an additional 15' along 32nd Avenue.

Discussion was held regarding the access.

There were no other comments. The public hearing was closed.

Commissioner Keller asked about signage and if this was similar to the Sunmart area where they had to address signage requests on a case by case basis. Larry stated that the PUD will give them additional signage and the developer would still need to submit a sign plan for the entire development.

Commissioner Gustofson made a motion for approval. Commissioner Nelson seconded the motion. No opposition. Motion carried.

Commissioner Holzmer asked for clarification regarding this coming back before the Planning and Zoning Commission. Larry stated that the developer would need to submit Detailed Development Plans.

The next item on the agenda was update to the Comprehensive Plan Update.

Larry stated that there are focus group meetings scheduled for tomorrow and Wednesday at the Chamber offices – abutting jurisdictions, special issues, existing downtown, infrastructure, new growth areas, public officials, housing...

Mr. Morken asked if the City could consider adding a Traditional Neighborhood Design to the Zoning Ordinances, similar to Fargo. He described the Evelyn Acres project along near 40th Avenue, north of Osgood in Fargo. Front porch with alley, greater lot coverage, more sidewalks... He also mentioned a book – "Building Better Neighborhoods". He stated that they've recently acquired Goldenwood and are hoping to do something similar on some of the lots.

Larry stated that there will be a Comprehensive Plan Open House in May and there is also a website available for public comments.

Commissioner Nelson made a motion for adjournment. Commissioner Gustofson seconded the motion. No opposition. Meeting adjourned.